

REMARKS

Claims 1-7 are pending in this application. Claims 1-7 stand rejected. By this Amendment, claim 1 has been amended. The amendments made to claim 1 do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to claim 1 have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 1 of the Office Action objects to the Abstract of the Disclosure. Applicant has rewritten the Abstract. Therefore, Applicant requests withdrawal of this objection.

Paragraph 3 of the Office Action objects to the title of the Invention. Applicant has amended the title to be “PORTABLE TELEPHONE WITH A BATTERY ALARM FUNCTION INDICATING LOWEST LEVEL FOR COMMUNICATION” as suggested by the Examiner.

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,427,072 (“Reichelt”) in view of U.S. Patent No. 5,870,685 (“Flynn”). Applicant respectfully request reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or

combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Among the limitations of independent claim 1 not present in the cited reference is battery supervision means for supervising and detecting a voltage of the battery apparatus and issuing a lowest operation voltage level alarm when the detected voltage drops to a lowest operation voltage level that an unrestricted communication function of said portable telephone apparatus can be operated. The Office Action assets that this limitation is disclosed at column 3, lines 50-67; column 4, lines 1-11 and 57-67; and, column 5, lines 1-17 of Reichelt.

Applicant respectfully submits that this feature is not disclosed in those cited portions of Reichelt. The cited portions of Reichelt discuss a monitor and battery depletion detector 22, which monitors the power level of the battery power supply circuit 24. The monitor and depletion detector 22 provides a signal to the microcomputer 12 when the power remaining decreases beneath a pre-selected absolute minimum limit necessary to make, receive or maintain any mobile phone calls. When the battery power level is decreased beneath the depletion level, the ability of the mobile telephone to receive or continue any mobile telephone call both emergency and non-emergency calls is disabled. Additionally, power detector 32 selectively inhibits the send call function from making non-emergency calls when

the power level decreases beneath the emergency call reserve level, i.e., restricts communication ability of the mobile telephone.

In contrast, according to Applicant's explicitly recited claim limitation, the battery supervision means supervise and detect a voltage and issue a voltage level alarm when the detected voltage drops to the lowest operating voltage level that an unrestricted communication function of said portable telephone can operate. This is unlike the alarms in Reichelt where, the monitor and depletion detector 22 provides a signal to the microcomputer that disables the radio transmitter and other non-essential components from drawing further power from the battery power supply. Additionally, the emergency reserve power detector also provides a signal to the microprocessor by which the microprocessor determines whether the power is decreased beneath the emergency call reserve power level.

As such, the Reichelt reference fails to disclose a battery supervision means that detects a voltage level and issues an alarm when the voltage level drops to a lowest operating level that an unrestricted communication function of the telephone apparatus can occur.

The Flynn reference was not included to disclose the above recited limitation but to show additional limitations which, even if it were to show, do not cure the deficiencies discussed above. As such, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Claims 2-7 depend from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the

limitations of claim 1, are neither disclosed nor suggested by Reichelt and are also directed towards patentable subject matter. Thus, claims 2-7 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By

Ian R. Blum

Registration No.: 42,336
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas - 41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

IRB/mgs